



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,822	06/11/2001	Amy Christine Wright	71415	3188

22242 7590 06/16/2003

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER

GOLBA, TARA M

ART UNIT PAPER NUMBER

3644

DATE MAILED: 06/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/878,822

Applicant(s)

WRIGHT, AMY CHRISTINE

Examiner

Tara M. Golba

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2003 and 28 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/26/03 have been fully considered but they are not persuasive.

Applicant argues that none of the references teaches or suggests a system having a plurality of traps each including a transmitter sending a signal with a portion identifying the trap sending the signal. Applicant also argues that none teaches a control unit responsive to such identity signals. The Examiner has previously cited Vick et al. as the reference disclosing these features, but the Applicant states that the Vick et al. system is not concerned with trap identity because the main concern in Vick is overall insect infestations in grain. The Examiner disagrees. Vick states in column 8, lines 6-16, that a computer or analogous device receiving signals from a plurality of traps "may be utilized to monitor the grain probes in the storage complex and periodically print out or display the insect infestation status for the entire storage complex. The computer outputs data *for each trap* [emphasis added by Examiner] to alert the warehouseman about insect problems anywhere in the silos. This information would then be used to decide *which agricultural commodity* [emphasis added] would need to be used first,...etc." The only way for this system to indicate *which* agricultural commodity is infested is by associating an identity with each signal transmitted. Vicks notes the advantage of this system: the inspector knows which traps need to be pulled and which traps are still empty (column 8, lines 32-36). Clearly Vicks is teaching a way of identifying traps. The Examiner therefore maintains the rejections.

Information Disclosure Statement

2. The information disclosure statement filed 5/28/03 has been placed in the application file, but the information referred to therein has not been considered as to the merits because all of the references listed therein were already cited by the Examiner in the Office Action of 4/10/02.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,005,416 to Vick et al. in view of U.S. Patent No. 6,202,340 to Nieves and U.S. Patent No. 6,067,018 to Skelton et al.

In reference to claim 1, Vick et al. discloses an animal trap system comprising a plurality of animal traps (column 8, lines 1-3), each trap comprising a transmitter (figure 9, element 59) for rf transmitting a signal including an identity portion identifying the one of the plurality of animal traps comprising the rf transmitter (column 8, lines 4-11, 37-45); and a central unit for receiving rf signals from the plurality of animal traps and in response to the transmitted identity portion for identifying the trap comprising the transmitter transmitting each signal (column 8, lines 50-63). Vick et al. does not disclose a trap with a moving portion having at least two positions, the periodic rf transmission of a signal, transmitting a signal identifying the position of the moving portion, or a central unit for identifying the position of the moving portion comprised by each animal trap.

Art Unit: 3644

Nieves teaches an animal trap (figure 1A) with a moving portion (figure 2, element 60) having at least two positions (column 5, lines 53-57), transmitting a signal including a position portion identifying the position of the moving portion (column 6, lines 54-57), and a central unit for identifying the position of the moving portion comprised by each animal trap (column 6, line 57, where the remote receiver is understood to be a central unit for identifying the position of the moving portion of the trap). Nieves teaches that the moving portion allows the animal to enter the trap and then prevents the animal from leaving the trap (column 2, lines 40-44). Nieves also teaches that the transmission of a signal identifying the position of the moving portion and reception of the signal by a central unit allows a user to avoid the inefficient and cumbersome process of continually checking traps placed in remote locations (column 3, lines 30-37). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a trap with a moving portion having two positions and signal transmission to a central unit for identifying the position of the moving portion, as taught by Nieves, in the animal trap system disclosed by Vick et al., in order to provide a means of enclosing the animal in the trap and to eliminate the need for continually checking traps placed in remote locations. Nieves teaches rf transmitting a signal when a trap is activated (column 6, lines 56-57) but does not teach periodically rf transmitting a signal.

Skelton et al. teaches periodically transmitting a signal (column 3, lines 43-48) in order to continually monitor a system and in order to notify a user when a change has taken place in the system (column 2, lines 39-45). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include periodic signal transmission, as

Art Unit: 3644

taught by Skelton et al., in the animal trap system disclosed by Vick et al., in order to continually monitor and track changes in the system.

In reference to claim 2, Vick et al. does not disclose a switch for generating a trap signal representing the position of a moving portion.

Nieves teaches a switch (figure 5, element 156) for generating a trap signal representing the position of a moving portion (column 6, lines 55-57). Nieves teaches that this configuration eliminates the need to continually check traps placed in remote locations (column 3, lines 30-37). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a switch for generating a trap signal representing the position of a moving portion, as taught by Nieves, in the system disclosed by Vick et al., in order to eliminate the need to continually check traps placed in remote locations.

In reference to claim 3, Nieves teaches that the rf transmitter of a trap responds to the switch to identify the position of the moving portion (column 6, lines 55-57). See discussion of claim 2 above.

In reference to claim 4, Vick et al. discloses an rf transmitter (column 8, lines 37-42) comprising apparatus for transmitting a signal representing the animal trap in which animals are present (column 8, lines 55-58), but does not disclose a switch with first and second states and an rf transmitter responsive to a change of state of the switch.

Nieves teaches a switch comprising first and second states (figure 5, element 156) and an rf transmitter comprising apparatus responsive to a change of state of the switch for transmitting a signal representing the state into which the moving portion of a trap moved (column 6, lines 55-57). As discussed above in reference to claim 2, Nieves teaches that this configuration

eliminates the need to continually check traps placed in remote locations (column 3, lines 30-37). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a switch with first and second states and an rf transmitter responsive to a change of state of the switch, as taught by Nieves, in the system disclosed by Vick et al., in order to remotely monitor animal traps without having to continually go to the traps to check on them.

In reference to claim 5, Vick et al. discloses a central unit including apparatus for annunciating the identities of ones of the plurality of animal traps (column 7, lines 27-50; column 8, lines 54-58). Vick et al. discloses means for annunciating when an animal is caught in a trap (column 7, lines 25-27) but does not disclose annunciating the position of moving portions of a trap.

Nieves teaches a central unit comprising apparatus for annunciating the position of moving portions of a trap. See discussion of claim 1 above. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include apparatus for annunciating the position of moving portions of a trap, as taught by Nieves, in the system disclosed by Vick et al., as an indication of an animal being present in the trap.

In reference to claim 6, Vick et al. discloses an apparatus for annunciating which includes a plurality of indicators of animal trap condition each for displaying the status of a respective animal trap (figure 7; column 7, lines 14-37). Vick et al. does not disclose displaying the position of a movable portion of a trap.

Nieves teaches an apparatus for indicating the position of a movable portion of an animal trap. See discussion of claim 1 above.

In reference to claim 10, Skelton et al. teaches the claimed apparatus for periodically transmitting a signal. See discussion of claim 1 above.

In reference to claim 11, Vick et al., as modified in view of Nieves and Skelton et al., discloses the claimed invention. See discussion of claims 1, 4, and 5 above.

In reference to claim 12, Vick et al., as modified in view of Nieves and Skelton et al., discloses the claimed invention. See discussion of claim 6 above.

In reference to claim 13, Vick et al. and Nieves do not disclose an apparatus for annunciating comprising an automatic e-mail sender.

Skelton et al. teaches an apparatus for annunciating comprising an automatic e-mail sender (column 9, lines 8-12). Skelton et al. teaches that this allows a user with a portable computer to continually receive system information (column 9, lines 17-19). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include an automatic e-mail sender for annunciating the status of a system, as taught by Skelton et al., in the system disclosed by Vick et al., in order to allow users with computers to continually receive updates about the system.

In reference to claim 14, Vick et al. and Nieves do not disclose an apparatus for annunciating comprising an automatic telephone dialer.

Skelton et al. teaches an apparatus for annunciating comprising an automatic telephone dialer (column 7, lines 44-50). Skelton et al. teaches that such notification reduces the amount of time between a change in state of the system taking place and the user learning about the change in state (column 3, lines 15-19). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include an automatic telephone dialer, as

Art Unit: 3644

taught by Skelton et al., in the system disclosed by Vick et al., in order to announce trapping of an animal more quickly to a user of the system.

5. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vick et al. in view of Nieves.

In reference to claim 7, Vick et al., as modified in view of Nieves, discloses the claimed invention. See discussion of claims 1 and 4 above.

In reference to claim 8, Vick et al., as modified in view of Nieves, discloses the claimed invention. See discussion of claim 2 above.

In reference to claim 9, Vick et al., as modified in view of Nieves, discloses the claimed invention. See discussion of claim 3 above.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tara M. Golba whose telephone number is (703) 305-0266. The examiner can normally be reached on Monday-Thursday from 8:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached at (703) 306-4159. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

tmg
June 12, 2003


CHARLES T. JORDAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600